

REMARKS

Claims 1 and 3-19 are pending and rejected in this application. Claims 1, 10 and 18 are amended hereby, claim 20 is added hereby.

Claim 20 is added to further protect Applicants' valuable intellectual property rights and is supported by the drawings and the specification, particularly in the paragraph beginning at line 18 of page 4. No new matter was added by the addition of claim 20.

Responsive to the rejection of claims 1, 3, 4, 6, 8-12, 14 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,652,654 (Bahn) in view of U.S. Patent No. 5,832,653 (Tsurufuji), Applicants have amended claims 1, 10 and 18 and submit that claims 1, 10 and 18 are now in condition for allowance.

Bahn discloses a fishing rod tip (Figs. 1-5) that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. The invention is positioned on an end of fishing rod 1 that is remote from a reel and reel seat (not shown). Mounting member 6 has a lower ring 7 and an upper ring 8 for fixed installation to hollow socket member 2 and for axially rotatable mounting of tubular line guide 9.

Annual ribs or flanges 10 hold line guide 9 in its desired longitudinal position in mountings 4 and 8. Annual ribs or flanges 10 may be soldered or sweated in place on tube 9 (column 2, lines 15-51).

Tsurufuji discloses an inter-line fishing rod (Fig. 10). Solid rod 14B and guide pipe 14C are employed for an outer-line type fishing rod in which a fishing line FL passes through a plurality of eyelets 42. Guide pipe 14C and top guide 16 extend beyond the end of fishing rod 40 (column 10, line 34-44).

In contrast claim 1, as amended, recites in part:

a fish pole having a first flexibility; and

an elongated tube ... having a second flexibility, said second flexibility greater than said first flexibility;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Tsurufuji or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annual ribs or flanges that are soldered or sweated into place on tube 9. Tsurufuji discloses an inter-line fishing rod having a fishing line that passes through tube 14. Applicants have amended the claims based upon the discussion of the flexibility of shaft 22 found in the specification on page 3, line 21 and a comparison in flexibility between elongated tube 30 and fishing rod 12 on page 4, lines 18 and 19, wherein the flexibility of fishing rod 12 is not substantially altered by the flexibility of elongated tube 30. As such, elongated tube 30 is significantly more flexible than fishing rod 12. In contrast, the disclosure of Bahn has a tube 9, which is relatively rigid, being made of metal in that it is soldered into place. The nature of such a tube is relatively inflexible as compared to a typical fishing rod. Further, Tsurufuji fails to have an elongated tube disposed between at least two of a plurality of fishing line guides and the elongated tube having a flexibility greater than the flexibility of the fishing pole since the elongated tube through which fishing line 20 travels in Tsurufuji is itself a fishing pole. Therefore, Bahn, Tsurufuji and any of the other cited references, alone or in combination fail to disclose, teach or suggest a fish pole having a first flexibility and an elongated tube having a second flexibility, the second flexibility being greater than the first flexibility, as recited in claim 1.

An advantage of Applicants' invention is that the fishing pole is a conventional fishing pole having line guides mounted on an exterior surface of the fishing pole and the fishing line containment apparatus is installed to the conventional fishing pole, thereby allowing for easy modification of a conventional fishing pole. An additional advantage of Applicants' invention is that the elongated tube can easily be removed converting the fishing rod back into the conventional fishing rod without any permanent modifications thereto. For the forgoing reasons, Applicants submit that claim 1, and claims 3, 4, 6, 8 and 9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast claim 10, as amended, recites in part:

the fishing pole having a first flexibility; and

an elongated tube ... having a second flexibility, said second flexibility greater than said first flexibility;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Tsurufuji or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annual ribs or flanges that are soldered or sweated into place on tube 9. Tsurufuji discloses an inter-line fishing rod having a fishing line that passes through tube 14. Applicants have amended the claims based upon the discussion of the flexibility of shaft 22 found in the specification on page 3, line 21 and a comparison in flexibility between elongated tube 30 and fishing rod 12 on page 4, lines 18 and 19, wherein the flexibility of fishing rod 12 is not substantially altered by the flexibility of elongated tube 30. As such, elongated tube 30 is significantly more flexible than fishing rod 12. In contrast, the disclosure of Bahn has a tube 9, which is relatively rigid, being made of metal in that it is soldered into place. The nature of

such a tube is relatively inflexible as compared to a typical fishing rod. Further, Tsurufuji fails to have an elongated tube disposed between at least two of a plurality of fishing line guides and the elongated tube having a flexibility greater than the flexibility of the fishing pole since the elongated tube through which fishing line 20 travels in Tsurufuji is itself a fishing pole.

Therefore, Bahn, Tsurufuji and any of the other cited references, alone or in combination fail to disclose, teach or suggest a fishing pole having a first flexibility and an elongated tube having a second flexibility, the second flexibility greater than the first flexibility, as recited in claim 10.

An advantage of Applicants' invention is that the fishing pole is a conventional fishing pole having line guides mounted on an exterior surface of the fishing pole and the fishing line containment apparatus is installed to the conventional fishing pole, thereby allowing for easy modification of a conventional fishing pole. An additional advantage of Applicants' invention is that the elongated tube can easily be removed converting the fishing rod back into the conventional fishing rod without any permanent modifications thereto. For the forgoing reasons, Applicants submit that claim 10, and claims 12, 14, 16 and 17 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In still further contrast claim 18, as amended, recites in part:

a fishing rod ... having a first flexibility;

positioning flexible tubing between at least two of said plurality of fishing line guides, said flexible tubing having a second flexibility, said second flexibility greater than said first flexibility;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Tsurufuji or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annual ribs or flanges that are soldered or sweated into place on tube 9. Tsurufuji discloses an inter-line fishing rod having a fishing line that passes through tube 14. Applicants have amended the claims based upon the discussion of the flexibility of shaft 22 found in the specification on page 3, line 21 and a comparison in flexibility between elongated tube 30 and fishing rod 12 on page 4, lines 18 and 19, wherein the flexibility of fishing rod 12 is not substantially altered by the flexibility of elongated tube 30. As such, elongated tube 30 is significantly more flexible than fishing rod 12. In contrast, the disclosure of Bahn has a tube 9, which is relatively rigid, being made of metal in that it is soldered into place. The nature of such a tube is relatively inflexible as compared to a typical fishing rod. Further, Tsurufuji fails to have an elongated tube disposed between at least two of a plurality of fishing line guides and the elongated tube having a flexibility greater than the flexibility of the fishing pole since the elongated tube through which fishing line 20 travels in Tsurufuji is itself a fishing pole. Therefore, Bahn, Tsurufuji and any of the other cited references, alone or in combination fail to disclose, teach or suggest a fishing rod having a first flexibility and positioning flexible tubing between at least two of the plurality of fishing line guides, the flexible tubing having a second flexibility, the second flexibility greater than the first flexibility, as recited in claim 18.

An advantage of Applicants' invention is that the fishing pole is a conventional fishing pole having line guides mounted on an exterior surface of the fishing pole and the fishing line containment apparatus is installed to the conventional fishing pole, thereby allowing for easy modification of a conventional fishing pole. An additional advantage of Applicants' invention is that the elongated tube can easily be removed converting the fishing rod back into the conventional fishing rod without any permanent modifications thereto. For the forgoing reasons,

Applicants submit that claim 18, and claim 19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

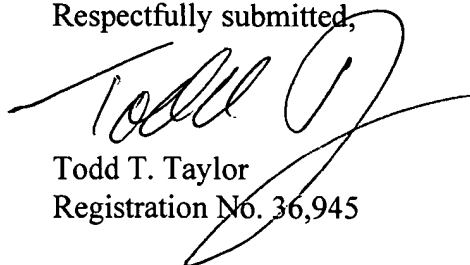
Claims 5 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bahn and Tsurufuji and in further view of U.S. Patent No. 2,484,727 (Patterson). However, claim 5 depends from claim 1, and claim 13 depends from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 5 and 13 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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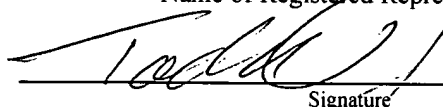
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